

CALENDAR ITEM

C13

A 1

04/23/15

S 1

PRC 4473.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Charles Louis Brochard and Candace Lee Brochard, Co-Trustees of the Brochard Family Trust under agreement dated May 16, 1996; Victor A. Brochard and Barbara A. Brochard, Trustees, of The Victor A. G. and Barbara Brochard Family Trust U/A dated 12/22/92; David R. Carta and Christine A. Carta, Trustees of the David R. Carta and Christine A. Carta Revocable Trust, Dated October 11, 2010; Philip T. Brochard and Sarah A. Oneto, as Trustees of the Philip T. Brochard and Sarah A. Oneto 2013 Revocable Trust; Colin B. Brochard; and Victor NMN Brochard

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 6740 West Lake Boulevard, near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy.

LEASE TERM:

10 years, beginning April 26, 2015.

CONSIDERATION:

\$595 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoy within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of

CALENDAR ITEM NO. **C13** (CONT'D)

the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On February 9, 2006, the Commission authorized a Recreational Pier Lease to Charles Louis Brochard and Candace Lee Brochard, Trustees of the Brochard Family Trust under agreement dated May 16, 1996; Victor A. Brochard and Barbara Brochard, as Trustees, or any successor Trustee of the Brochard Family Trust under amended and restated agreement dated November 22, 1996; Christine Aline Brochard; Philip Thomas Brochard; and Victor Albert Brochard as Custodian of Colin B. Brochard. That lease expires on April 25, 2015.
3. Partial interest in the upland parcel has since transferred to trusts and to one additional family member. The Applicant is now applying for a General Lease – Recreational Use.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C13** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Charles Louis Brochard and Candace Lee Brochard, Co-Trustees of the Brochard Family Trust under agreement dated May 16, 1996; Victor A. Brochard and Barbara A. Brochard, Trustees, of the Victor A. G. and Barbara Brochard Family Trust U/A dated 12/22/92; David R. Carta and Christine A. Carta, Trustees of The David R. Carta and Christine A. Carta Revocable Trust, Dated October 11, 2010; Philip T. Brochard and Sarah A. Oneto, as Trustees of The Philip T. Brochard and Sarah A. Oneto 2013 Revocable Trust; Colin B. Brochard; and Victor NMN Brochard beginning April 26, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier and one mooring buoy, as described on Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$595, with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 4473.1

LAND DESCRIPTION

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 7, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk lying adjacent to that parcel described in Grant Deed recorded April 1, 2014 as Document Number 2014-0020039-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2 – BUOY

One circular parcel of land, being 50 feet in diameter, underlying one existing buoy lying adjacent to that parcel described in Grant Deed recorded April 1, 2014 as Document Number 2014-0020039-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/05/2015 by the California State Lands Commission Boundary Unit.





LAKE TAHOE

EXISTING
BUOY (1)

100'±

29.4'

9' IMPACT
AREA

15'

EXISTING 2.5' x 15'
CATWALK

6.6'

6223'± LTD

EXISTING
PIER

90'

APPROX. SHORELINE

APN
098-180-013



SCALE 1" = 20'

EXHIBIT A

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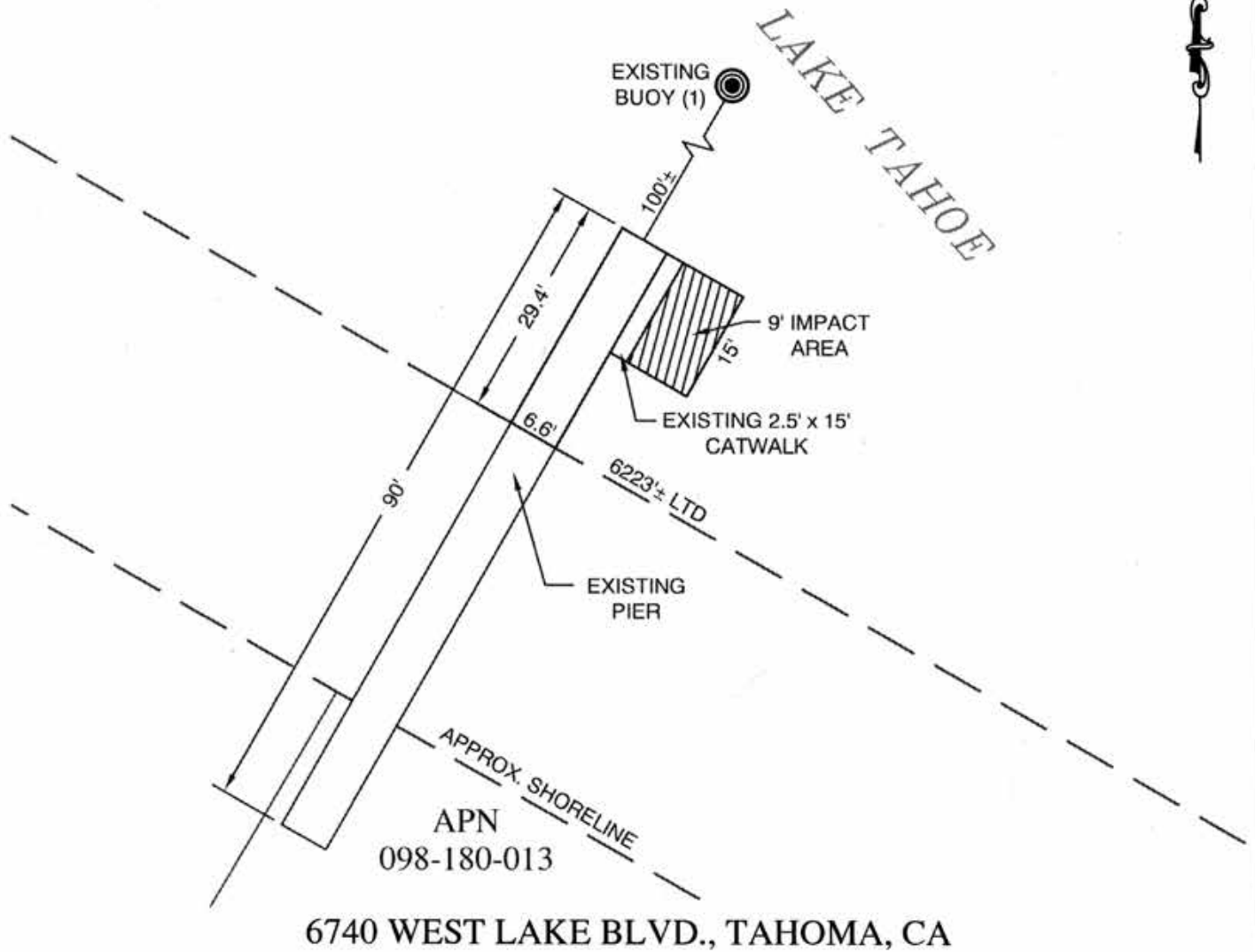
LAND DESCRIPTION PLAT
PRC 4473.1 BROCHARD
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



6740 WEST LAKE BLVD., TAHOMA, CA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4473.1
BROCHARD
APN 098-180-013
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



RGB 2/5/15

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.